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3/12/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :  
W. Benman : Group Art Unit : 2671  
Serial No. 09/363,456 : Examiner: H. Cao  
Filed: July 29, 1999 : Date: February 26, 2003  
For: System And Method For Extracting :  
Images Without Monochromatic.... :

APPLICANT'S INTERVIEW SUMMARY

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Technology Center 2600

Commissioner of Patents  
and Trademarks  
Washington, D. C. 20231

Sir:

In response to the Office Action dated November 21, 2002, Applicant has filed a Notice of Appeal and presents herewith the Interview Summary in connection with the above-identified Application:

This is to record the substance of a telephone interview held on this date with the Supervisor (Mark Zimmerman) of the Examiner of the above-identified patent application. The purpose of the interview was to review the Examiner's position set forth in the most recent official communication dated November 21, 2002. I indicated to Mr. Zimmerman that the Examiner's argument was weak and when the shortcomings of the Examiner's position were pointed out to her, she failed to come up with a reply that would be useful to us in our efforts to decide whether and how to continue the prosecution of the Application.

We discussed the merits of the rejection, particularly with respect to the Examiner's response to Applicant's arguments and the Parulski reference. I pointed out that inasmuch as Parulski uses a **differencing** scheme to create a mask, Parulski's approach is clearly different from that which we are claiming inasmuch as our approach uses a pixel by pixel **comparison** between two frames.


The Examiner's Supervisor asserted his position that inasmuch as Parulski creates a mask, at some point a comparison operation must be made. To support this argument, the Examiner's Supervisor made reference to column 3, lines 41 - 52 of the reference where Parulski mentions a comparison of pixel values to a pre-determined threshold. I pointed out to the Examiner that surely a pixel by pixel comparison of two frames is substantially different from a pixel by pixel comparison to a pre-determined fixed threshold. That is, the latter is essentially just a thresholding operation and not a comparison per se.

Nonetheless, Mr. Zimmerman indicated that this was his position and indicted a willingness to stand by it.

I pointed out that this constituted a new ground of rejection and requested that a new Office Action be sent out accordingly. The Examiner's Supervisor indicated that he did not intend to send out a new Office Action, and he suggested that we take whatever action we deemed appropriate at this time. I asked the Examiner's Supervisor to forward an Examiner's Interview Summary to us and he agreed to do so.

The interview then came to a close.

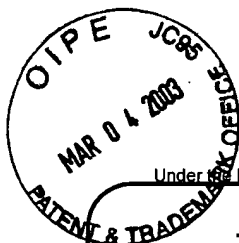
Respectfully submitted,

By   
William J. Benman

WJB/lc

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2671

PTO/SB/21 (01-03)

Approved for use through 04/30/2003. OMB 0651-0031

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/363,456
Filing Date	07/29/1999
First Named Inventor	W. Benman
Art Unit	2671
Examiner Name	Cao, Huedung X.
Attorney Docket Number	Virtual-2
Total Number of Pages in This Submission	3

## ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	- Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	-Applicant's Interview Summary
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
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## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	Benman, Brown & Williams
Signature	<i>William F. Benman</i>
Date	02/26/2003

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Express Mail No. EV065867925US under 37 CFR 1.10 addressed to: Commissioner for Patents, Washington, DC 20231 on: 02/26/2003

Typed or printed	Leigh Christian		
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